GOVERNMENT OF MADRAS.

Old Secta. II-38, New Secta. II
71,006—28.

M

Agriculture (1955) Department.

Passed
in
Suspdl.

Endorsement
~~D.O.~~
Memorandum
~~Lodged~~

No. 8860 C IV/53-10

Dated 31-8-53 1955.

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Forest-(South Kanara)- trees on unreserved		Disposal by Govt of Madras - orders - Requested	

214

Revenue Department.
Subject.
--

Forests-(South Kanara) Disposal by Government of Mature trees on unreserves--Orders--Requested.

Ref.E.7041/54-2 dated 1.10.54.

From
Sri W.R.S.Sattianathan, I.C.S. Commissioner of Land Revenue.
Sri P.Sivasankaran Pillai I.A.S.Secretary.

READ: From the Board of Revenue, Ref.E.7041/54-1 dated 30.8.54.
Government Revenue Department Memo.No.67655-E/54-1 dated 23.9.1954.

REFERENCE:

A copy of B.P.Rt.No.5864, dated 7.8.1953 and a copy of the South Kanara Collector's Ref.No.A.7.16996/54 dt. 13.8.54 referred to in the Government Memo cited above are submitted herewith.

(true copy)

II.

Copy of Board's B.P.Rt.No.5864, dated 7.8.1953.

Govt.Endt.No.141201-CII/52-1 dated 15.12.1952.
From the Chief Conservator of Forests, Ref.No.37282/52-E2 dated 24.12.1952.
From the Collector of South Kanara L.Dis.No.9336/53 dt. 22.4.53.

Resolution:-

Submitted to the Government.

2. The Board submits the following report on the several suggestions made by the Collector of South Kanara in his letter cited.

Suggestions (1), (2), (3), (4), (5), (6) and (7) xx xxx

Suggestion 8:-

Making provision to enable the Revenue Officers to check the accounts of timber merchants in large export towns like Mangalore and Kasaragod. A rule will have to be framed under Section 35 of the Forest Act and included among the existing rules authorising the Revenue and Forest and Police Officers to check the accounts of timber merchants. The Board considers that such an important rule cannot be framed under the Forest Act without specific legislative sanction. The Government may consider the disirability of such a legislation.

(True copy)
T.R.Siva Ramakrishnan
Superintendent.
31/1/55

Agn [C IV] 1960

Rooms
Dtd
20/11/55

Memo no 8860 C IV/55-1 dt 24/2/55

Sub:- Forests - Timber - Accounts of timber merchants in large export towns like Mangalore & Kasaragod in S. Kanara Dt - Inspection by Revenue, Forest & Police officers - Provisions in the Forest Act - Proposal.

Ref:- From the BO of Rev org no E-7041/54-2 dt 1-10-54.

An extract of suggestion no 8 made by the Bd of Rev in its org cited to introduce provision in the rules under

Copy

Section 35 of the Forest Act empowering the Rev., Forest & Police officers to check the accounts of timber merchants, is communicated to the CCF for urgent remarks.

The attention of CCF is invited to this Connection to the Govt Memo no 35244 C IV/53-15 Agri dt 22-12-54 relating to the proposal for introduction of specific provisions in the Madras Forest Act for inspection of accounts of timber by Forest officers & Rangers.

A/p 1/4

Pp 25-2-55 Cy of PANCH

CENTRAL DEPOT

ER dt 3/3/55

N.R. 19/3/55

To CCF with enclosure

N.R. 3.3.55 Copies of p 1/4

16/2/55

16/2/55

D.O.No. 18323-52 D1.

Office of the Chief Conservator of Forests, Madras-5.
Dated 6th May 1955.

44913

Dear Sri Ramachandran,

Sub: Forests - Timber - Accounts of timber Merchants in large export towns like Mangalore and Kasaragod in South Kanara District-Inspection by Revenue, Forest and Police Officers - Provisions in the Forest Act - Proposals:

FIRST ASSISTANT SECRETARY
7 MAY 1955
GOVERNMENT OF MADRAS

Ref: D.O.No.8860.C.IV/55-5, Agri.d/2-5-55 from the Secretary to Government, Agriculture Department:

...

I am to inform you that the Chief Conservator's final reply has already been submitted to Government on Chief Conservator's Ref. 18323/52.D1, dated 30th March 1955 (despatched on 31st March 1955), in reply to Government Memorandum No.35244-C.IV/53-15, Agriculture dated 22-12-54 and Government Memo No.8860.CIV/55-1, Agriculture dated 24th February 1955.

A copy of the Chief Conservator's references No. 18323/52.D1, dated 30th March 1955 is enclosed for ready reference.

Yours sincerely,

(M.A. Badsha)

To
Sri C. Ramachandran, B.A.,
Assistant Secretary to Government,
Agriculture Department.

to Andhr

No serious irregularities in

reported; however it is desirable to

amendment to the Madras Forest Act for

factories, depots, etc., in times of need.

the factories or places where sandalwood is stored

of sandalwood smuggled from Government forests.

cases of illicit transport of sandalwood were reported

Forest Officers are empowered to inspect factories, depots

places where Sandalwood is stored, detection of illicit

transport and trade of Sandalwood would be an utter

(2) Para 2 of the Government Memorandum first cited

Forest Officer seizes any sandalwood the source of

owner is not able to account for, the satisfaction of

Officer, such sandalwood should be liable for confiscation

event the owner of the Sandalwood factory or depot from

Sandalwood has been seized cannot have any grievance

action of the Officer seizing the sandalwood as he

would be helpless to defend himself as the fault is his.

The Government have pointed out that such a provision

Act would not be a reasonable restriction on the carrying

or business and the right to hold and dispose of property.

19(1) (f) of the Constitution of India guarantees to every

India, among other things, the right to acquire, hold and

property clause (5) of the same Article empowers the State to

any law imposing any reasonable restriction on the exercise of

of the rights conferred by clause (1) of the Article either in

interest of the general Public or for the protection of the interests

any Scheduled Tribe. Here the restriction which the State Government

proposes to impose or the private owner is to prevent him from trading

in any property which is not his and on which he has no legal

claim. Such a restriction I submit is only reasonable and is justifiab

in the interests of the general public.

2. With reference to the Government Memorandum second cited,
agree to the suggestion of the Board of Revenue. I submit that
the new section 60.A. as proposed to be recast in Government Memorandum
No.35244.C.IV/53-13, Agriculture dated 30th August 1954 read with
the new provision of Section 35 of the Madras Forest Act proposed in
tter Ref.No.18323/52.D1, dated 30-10-54 would meet the requirement.

p.t.o.

Copy of Chief Conservator's Ref.No.18323/52.D1,dated 30th March 1955, to the Secretary to Government, Agriculture Department.

.....

Sub: Sandalwood - Stock Position in Sandalwood - Inspection by District Forest Officers or Rangers - Introduction of specific provision in the Madras Forest Act - Proposal:

Ref: Government Memorandum No.35244,C.IV/53-15.Agri.d/22-12-54:

Government Memorandum No.8860.C.IV/55-1,Agri.d/24-2-55:

....

With reference to the Government Memorandum first cited I beg to submit the following remarks.

(1) Para 1 of the Government Memorandum:- The original proposal submitted by the Chief Conservator was to amend the sandalwood Transit Rules suitably so as to enable District Forest Officers and certain selected Forest Range Officers to inspect sandalwood factories either by previous notice or by surprise with a view to find out whether the factories deal in smuggled sandalwood and if so to seize such smuggled sandalwood for ultimate confiscation. This proposal was based on certain irregularities detected in the Sandalwood factory at Kuppam, Chittoor District. Even though Chittoor district has been transferred to Andhra, the circumstances under which the original proposal was made remains the same, as there are sandalwood factories in Salem South, Vellore West, Coimbatore North of the Residuary Madras State. No serious irregularities in respect of these factors have been reported; however it is desirable to take powers under the proposed amendment to the Madras Forest Act for inspection of private Sandalwood factories, depots, etc., in times of need. The object in inspecting the factories or places where sandalwood is stored is to detect cases of sandalwood smuggled from Government forests. Recently several cases of illicit transport of sandalwood were reported and unless the Forest Officers are empowered to inspect factories, depots or other places where Sandalwood is stored, detection of illicit felling, transport and trade of Sandalwood would be an utter impossibility.

(2) Para 2 of the Government Memorandum first cited:- If any Forest Officer seizes any sandalwood the source of receipt of which the owner is not able to account for, the satisfaction of the inspecting Officer, such sandalwood should be liable for confiscation. In that event the owner of the Sandalwood factory or depot from whom the Sandalwood has been seized cannot have any grievance against the action of the Officer seizing the sandalwood as he (the owner) would be helpless to defend himself as the fault is his.

The Government have pointed out that such a provision in the Act would not be a reasonable restriction on the carrying on of a trade or business and the right to hold and dispose of property. Article 19(1) (f) of the Constitution of India guarantees to every citizen of India, among other things, the right to acquire, hold and dispose of property clause (5) of the Same Article empowers the State to make any law imposing any reasonable restriction on the exercise of any of the rights conferred by clause (1) of the Article either in the interest of the general Public or for the protection of the interest of any Scheduled Tribe. Here the restriction which the State Government proposes to impose or the private owner is to prevent him from trading in any property which is not his and on which he has no legitimate claim. Such a restriction I submit is only reasonable and is justifiabl in the interests of the general public.

2. With reference to the Government Memorandum second cited, I agree to the suggestion of the Board of Revenue. I submit that the new section 60.A. as proposed to be recast in Government Memorandum No.35244.C.IV/53-13,Agriculture dated 30th August 1954 read with the new provision of Section 35 of the Madras Forest Act proposed in letter Ref.No.18323/52.D1,dated 30-10-54 would meet the requirement.

p.t.o.

These powers can be exercised by the Officers of the Revenue and Police Departments also if they are declared as Forest Officers under Section 2 of the Madras Forest Act, 1882.

/True Copy/

3/3

For Chief Conservator of Forests.

Mks.6/5.

AGRICULTURE(CIV) DEPT.

MEMO.NO.8860 CIV/55-6 D/16.5.55

SUB: FORESTS--Timber--Accounts of Timber Merchants in large export towns--Inspection by Revenue officers--Provision in the Forest Act.

REF; From the P.A. to the C.C.F. D.O. No.18323/52.D1.d/6-5-1955.

The remarks of the C.C.F. were called for in Govt.Memo.8860/CIV/55-1 dated 24-2-55 on the suggestion of the Board of Revenue to frame rules under Section 35 of the Madras Forest Act so as to enable the officers of the Revenue, Forest and Police ~~x~~ to check the accounts of timber merchants in large export towns. The question dealt with in the correspondence referred to in the D.O. cited relates to the proposal for amending the Madras Forest Act to aurthorise the District Forest Officers and Range Officers to check the accounts of sandalwood factories and merchants.

2. The C.C.F. is therefore requested to state in what way the ~~x~~ two are inter- connected or to offer his remarks called for in Memo.No.8860 CIV/55-1 dated 24-2-55.

14/5/55

16/5/55

Pl. issue
16-5-55
pp 3-4 e.f
pp 3-4 e.f
Separate file
(C no 35244-CIV/55-3)

CENTRAL DESPATCH BRANCH
Pc
Despatched by
pp 3-4 e.f
Date
Initials

The C.C.F., Madras.5.

N.R. 4.6.55

C.F. 32(—75,10,288—29-1-54.

Forest Department

From (Name)
Sri S.K.Bassu, I.F.S.,
Designation
Chief Conservator of Forests,
Station Madras-5.

Received ——— Registered ———

To

The Secretary to Government,
Agriculture Department,
Madras.

69707

Enclosures: Ref. No. 18323/52-D1, dated 25-7-55 195 .

Sub: Forests - Timber - Accounts of Timber Merchants in large export towns - Inspection by Revenue officers - Provision in the Madras Forest Act.

Ref: Government Memo.No.8860.CIV/55-6 Agriculture dated 16-5-1955.

I submit that eventhough the correspondence dealt with in Govt.Memo.No.35244-CIV/53-15 Agriculture dated 22-12-54 and Chief Conservator's Ref.No.18323/52-D1 dated 30-3-55 relate to inspection of sandalwood stored in private depots, factories etc. the proposed amendments to Sections 35 and 60A of the Madras Forest Act would apply not only to sandalwood but also to other classes of timber. This position was made clear in Chief Conservator's Ref.No.18323/52-D1 dated 30-10-1954. Therefore, if these amendments are passed into law, Government will derive the necessary powers to authorise officers of the Forest, Police and Revenue Departments to inspect not only sandalwood depots, factories etc. but also depots of other classes of timber including the accounts maintained by the owners of these depots and factories in respect of sandalwood or

timber as the case may be. I submit that the suggestion of the Board of Revenue need not therefore be viewed separately as it is already covered in the proposal to amend Sections 35 and 60A of the Madras Forest Act. However the provisions in the amended sections 35 and 60A will be ~~involved in~~ invoked in respect of timber, only when there is necessity.

M

for CHIEF CONSERVATOR OF FORESTS.

GS277

Agri. (E.III) Dept.

Memo no. 8860. E.III/55-10 d/31.8.55.

Pl issue
PK
31.8.55

Sub: Forests - Timber - Accounts of timber merchants in large export towns - Inspection by Revenue officers - Provision in the Madras Forest Act.

Ref: From the Board of Revenue, Ref. E.704/55-2, d/1.10.55.
From the C.C.F., Ref. no. 18323/52-D1, d/25.7.55.

page 1 cf

Dy 13-1 cf

With reference to the suggestion of the Collector of South Kanara, ~~on the subject mentioned~~ above, communicated with the Board's reference cited, the Board of Revenue is informed that the Govt. have examined the question and they do not consider it necessary to impose any undue restriction on the normal timber trade. They do not therefore propose to pursue the suggestion

to make provision in the rules framed under Section 35 of the Madras Forest Act, to enable the Revenue, Police and Forest Officers to check the accounts of timber merchants in large export towns like Mangalore and Kasaragode.

Action cf

PK
29.8.55

30.8

R
30/8/55

CENTRAL DESPATCH BRANCH
Date
Dy. No.
Section Officer's Initials.

To the Board of Revenue.
To the Collector of South Kanara
Copy to the C.C.F.

Extract from the Note File bearing Revenue U.O.No. 57655 E/54-4 dated 7.1.1955 (C.M.16 52/55 of Hon. Dept.)

The file has been sent to this Department with reference to the suggestions (3) (4), (6) and (8) on pp. 5-7 c.f.

Suggestions (1), (2), (3) and (4); 6: x x x

Suggestion 8:-

Making provision to enable Revenue Officers to check the accounts of timber merchants in large export towns like Mangalore and Kasaragod.

V.V. 27.1.55

Necessary extracts may be taken for examining the proposal separately.

x x x V.V 27.1.55

(True copy)

J. Rama Krishna
Superintendent 2.2.55

31/1/55

AS.

Extract of notes above and the suggestion of the Bd of Rev at 'A' and C/F may be perused. The suggestion of the Bd may be put to the C.C.F. for remarks.

2. In this connection it is submitted that in the L.F.(C.M.8524 dt. 10.4.54) the question of instructing specific provision in the For. F. Act in the matter of inspection of accounts of timber merchants by Forest officers or Rangers is already under consideration in consultation

F.25-26-C1-C/F

with the C.C.F. while submitting the
Remarks of C C F on the proposal
in this file, his attention may may.
therefore also be invited to the Memo.
at pp. 25-26 c/f of L F.

Subject to this a draft
Memo is submitted below.

6/7/55

16/2/55

23/5

From the C.C.F., D.O.no. 18323/52 D.1. p.5 c/f
dated 6.5.55

A.S. The proposal in this file is to make provisions for enabling the Revenue and Police Officers to check the accounts of the timber merchants in large towns by framing rules under Section 35 of the Madras Forest Act. The correspondence referred to in the D.O. on p.5 c.f. relates to the proposals of the C.C.F. to amend the Madras Forest Act in order to authorise the District Forest Officers and Range Officers to check the accounts of the Sandalwood dealers. The proposals in the two cases are therefore not one and the same. This may be brought to the notice of the C.C.F. and he may be asked to offer his remarks called for in the Memo. on p.p. 3-4 c.f.

Separate file (C.no 35244/EIV/53) put up separately.

Subject to orders, a draft memo is put up below for approval.

14/5/55

6/5

8860/55

From the Chief Conservator of Forests, Ref.No.18323/52-D1 dated 25.7.55.

~ A + pl c/f

One of the suggestions made by the Collector of South Kanara regarding the disposal by Government, of mature trees on unreserves, is that a provision should be made to enable the Revenue, Police and Forest Officers to check the accounts of timber merchants in large export towns like Mangalore and Kasaragod, by framing a rule under section 35 of the Forest Act. The Board while forwarding it to the Government expressed the view that such an important rule cannot be framed under the Forest Act, without specific legislative sanction and wanted the Govt. to consider the desirability of such a legislation.

x Comp. l c/f

~ x. 3 in c/f

2. The matter was referred to the C.C.F., for remarks. In his reply on pp.7-9 c.f., the C.C.F. stated that he is in agreement with the suggestion of the Board of Revenue, and that the proposal to introduce a new section 60 A in the Madras Forest Act, read with the new provision of Section 35 of the Act suggested by him in a separate connection, would meet the situation. In his subsequent reference on pp-13-14 c.f., the Chief Conservator of Forests has further clarified the position, and that there is no need to examine the suggestion of the Board separately and that the proposed amendments to the Madras Forest Act in respect of Section 35 and the introduction of the new section 60A will cover the question. He has stated that when the above amendments are passed into law, Government will derive necessary powers to authorise officers of Forest, Police and Revenue Departments to inspect depots, factories etc., of all classes of timber, including the accounts maintained there.

x para 2 on pp. 7-9 c/f

Mem p 14 c/f

Rem p 13 c/f

3. It may be stated that Law Department

(p.t.o.)

1135

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Law Dept's notes in pp 42-43 of L F (P no. 35244/53)

held that the inclusion of a provision in section 35 of the Madras Forest Act as suggested by the C.C.F., would confer very wide powers on the Government, and that it cannot be said to be a reasonable restriction on the carrying on of a trade or business. They stated that there is no legal objection to include a simple provision requiring the maintenance of accounts in respect of sandalwood alone. This view of the Law Department has been accepted in circulation.

4. In the circumstances it does not appear to be necessary to pursue the suggestion of the Collector of South Kanara and the Board of Revenue. They may perhaps be informed that the question have been examined by Government, and that they do not consider it necessary to impose any undue ~~and unnecessary~~ restriction on the normal timber trade, and that they do not propose to pursue ~~with~~ the suggestion. For orders.

'A' above may be approved

16.8.55

M(A) 23/8

SECRETARY 24 AUG 1955 AGRICULTURE DEPARTMENT

UNDER SECRETARY TO GOVERNMENT 24 AUG 1955 AGRICULTURE DEPARTMENT

With reference to orders above, a draft memo. is submtd. below for approval

30.8.

29.8.55

30.8.55

(Issued as Memo. no. 8860-A/55-10, dated 31.8.55)